

## **REMARKS**

Claims 1, 7-9, 14-16, 20, 22, 24-25, 27, 33-35, 40, 45, 47, 49-50, 52, and 55 are pending in the present application. By this Preliminary Amendment, claims 1, 7-9, 14-16, 20, 22, 24-25, 27, 33-35, 40, 45, 47, 49-50, 52, and 55 are amended and claims 3-4 and 29-30 are canceled. Independent claims 1, 20, 27, 45, and 52 are amended to incorporate subject matter similar to canceled claim 4. The other claims are amended for clarification, to correct typographical errors, and provide punctuation. No new matter has been added by any of the above amendments to the claims or addition of new claims. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

### **I. Telephone Interview**

Applicants thank Examiner Parker for the courtesies extended to Applicants' representative during the November 24, 2008 telephone interview. During the telephone interview, Applicants' representative proposed amending the independent claims to incorporate subject matter similar to then pending claim 4 (which is canceled by this Response). Examiner Parker indicated that such an amendment would distinguish the claims over the art cited in the Final Office Action. Accordingly, Applicants have made the amendments to the independent claims discussed during the telephone interview. The substance of the telephone interview is summarized in the following remarks.

### **II. Rejections Under 35 U.S.C. § 103(a)**

The Final Office Action rejects claims 1, 3-4, 7-9, 20, 27, 29-30, 33-35, 45, and 52 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Thompson (U.S. Patent No. 6,668,253) in view of Sands (WO 01/88769). The Final Office Action further rejects claims 14-16, 22, 24-25, 40, 47, 49-50, and 55 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Thompson (U.S. Patent No. 6,668,253) in view of Sands

(WO 01/88769) and further in view of Pokorny et al. (U.S. Patent Application Publication No. 2003/0150908). These rejections are respectfully traversed.

With regard to independent claims 1, 20, 27, 45, and 52, as discussed during the November 24, 2008 telephone interview, none of the cited references teach or suggest receiving a target value and an actual value for a KPI, calculating a score for the KPI based on the actual value and the target value to indicate if the KPI is good, bad or neutral compared to the target value, and calculating another score by comparing the calculated score and a score calculated and stored in the KPI store at a previous loading, so that the another score indicates if the KPI is getting better, worse, or is unchanged. That is, none of the cited references teach or suggest calculating two different scores – one score indicating whether the KPI is good, bad, or neutral compared to the target value, and the other score indicating whether the KPI is getting better, worse, or is unchanged.

These features were originally present in claim 4. With regard to claim 4, the Final Office Action alleges that these features are taught by Sands on page 1, lines 12-16, and page 10, lines 17-27 (see Final Office Action, page 6). Sands teaches calculating values for KPIs based on obtained metric information and then comparing these values to target values to generate difference measures. These difference measures may then be used to determine if the KPI has a good state or a bad state with regard to the target. The Final Office Action alleges that such measurements can be performed over a period of time from which a subjective determination of whether a KPI is getting better or worse can be determined (see Final Office Action, pages 2-3). While it may be possible in Sands to make measurements over a period of time, Sands does not teach or suggest calculating a separate score value based on a comparison of actual values with history values, i.e. “calculating another score by comparing **the calculated score** and a score calculated and stored in the KPI store **at a previous loading**” (emphasis added). Neither Thompson nor Pokorny, either alone or in combination with each other and Sands, teach or suggest these features either.

During the November 24, 2008 telephone interview, Examiner Parker agreed that none of the cited references teach or suggest these features. Therefore, it is Applicants’ understanding that Examiner Parker is in agreement that, with the above amendments, the

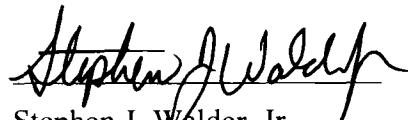
present independent claims are distinguished over the cited combinations of references. The dependent claims are likewise distinguished over the cited combinations of references at least by virtue of their dependency on respective ones of the independent claims. Accordingly, Applicants respectfully request withdrawal of the rejections of the currently pending claims under 35 U.S.C. § 103(a).

### **III. Conclusion**

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: December 31, 2008



Stephen J. Walder, Jr.  
Reg. No. 41,534  
Walder Intellectual Property Law, P.C.  
17330 Preston Road, Suite 100B  
Dallas, TX 75252  
(972) 380-9475  
ATTORNEY FOR APPLICANTS